

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

LOOP AI LABS INC,  
Plaintiff,

v.

ANNA GATTI, et al.,  
Defendants.

Case No. [15-cv-00798-HSG](#) (DMR)

**SECOND ORDER ON PLAINTIFF'S  
ADMINISTRATIVE MOTION FOR  
LEAVE TO FILE UNILATERAL  
DISCOVERY LETTERS**

Re: Dkt. No. 542

On March 30, 2016, Plaintiff Loop AI Labs Inc. filed an administrative motion for leave to file unilateral discovery letters. [Docket No. 542.] On April 6, 2016, the court granted in part and denied in part the administrative motion and ordered Plaintiff to submit brief statements supporting its requests to file unilateral discovery letters regarding to Defendants IQSystem, Inc. (“IQS”) and Almawave USA Inc.’s (“Almawave”) document productions. [Docket Nos. 582.] Plaintiff timely filed the statements. [Docket Nos. 589, 590.]

With respect to its dispute with IQS, Plaintiff’s counsel states that “[w]hen Loop AI returned counsel’s calls, they were not answered; when messages were left, there were no returned calls.” [Docket No. 589.] On April 11, 2016, without seeking leave of court, IQS filed a response to Plaintiff’s statement in which counsel states that she called Plaintiff’s counsel fifteen times between March 7, 2016 and March 31, 2016 attempting to meet and confer, and that Plaintiff’s counsel did not return her calls. [Docket No. 596.] IQS attaches call records which purportedly show the fifteen outgoing calls to Plaintiff’s counsel and the lack of incoming calls from Plaintiff’s counsel. [Docket No. 596-1.] On April 12, 2016, without seeking leave of court, Plaintiff filed a response to IQS’s April 11, 2016 submission in which it states it “emailed and called IQS’s counsel’s office, not cellphone.” [Docket No. 601.]

Given the parties’ dispute about their phone contacts in March 2016, the court cannot

determine on this record whether Plaintiff has shown exceptional circumstances supporting its request to file a unilateral discovery letter regarding IQS's document productions. Accordingly, by April 22, 2016, IQS shall re-submit the call records submitted at Docket No. 596-1 along with a sworn declaration properly authenticating the records, including explaining where counsel obtained the records and how counsel edited or created the document. By April 22, 2016, Plaintiff shall submit a sworn declaration authenticating records, i.e. phone records and emails, that support Plaintiff's counsel's statement that she returned IQS's calls and emailed IQS's counsel to meet and confer from March 7, 2016 through March 31, 2016. The phone records shall include the dates, times, and call lengths for the phone calls.

With respect to Plaintiff's dispute with Almaxwave, the court finds that Plaintiff has failed to show exceptional circumstances supporting its request to file a unilateral discovery letter brief regarding Almaxwave's document production. That portion of Plaintiff's administrative motion is denied.

**IT IS SO ORDERED.**

Dated: April 20, 2016

